



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, APRIL 21, 2022**

The regular meeting of the Benbrook City Council was held on April 21, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor
Renee Franklin
Larry Marshall
Dustin Phillips
Gary Addison
Laura Mackey
Keith Tiner

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Beth Fischer, Deputy City Secretary
Jared DeVries, Management Analyst
Bennett Howell, Public Service Director
Rick Overgaard, Finance Director

Others:

Phyllis Harkins
Janice Howe
Josh Harville
Michael Barber
Bart and Mac Shafer
Terry Roach
Bill Smith

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Ward.

II. INVOCATION/PLEDGE OF ALEGIANCE

Invocation was given by Mayor Pro-Tem Marshall.
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

Terry Roach commented on the trespassing regulation item.

IV. MINUTES

1. Approve minutes of the regular meeting held April 7, 2022

Motion by Dr. Marshall, seconded by Mr. Addison to approve the minutes of the regular meeting held April 7, 2022.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison. Ms. Mackey

Noes: None

Abstain: Mr. Tiner

Motion carries 6-0-1.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2554 Accept Finance Report for period ending March 31, 2022

Rick Overgaard gave the following report: General Fund revenues for the month of March were \$1,531,765. Major revenues collected for the month include Property taxes of \$202,464, Franchise taxes of \$765,144, Permits of \$123,676, Fines and Forfeitures of \$54,824, and Charges for Services of \$129,348. Sales tax collected and recognized as revenue in March was \$208,543. Fiscal year to date sales tax is \$1,770,738, an increase of 9.85% over last year at this time. General Fund revenues collected through the end of March were \$17,493,697 and 81.9% of the budget.

General Fund expenditures for the month of March were \$1,571,245. Fiscal year to date expenditures were \$8,231,559 and 38.6% of the adopted budget.

Total General Fund revenues of \$17,493,697 were more than total General Fund expenditures of \$8,231,559 by \$9,262,138.

Debt Service revenues for the month of March totaled \$12,759 and were all from property tax. There were no expenditures in March. The next debt service payments are due August 1st.

EDC revenues through March were \$921,370. EDC expenditures through the end of March were \$286,880. Total revenues exceeded total expenditures by \$634,490.

Total revenues received through March were \$517,951 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$1,239,754 through the end of March. Total expenditures exceeded total revenues by \$721,803. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On March 31, 2022, the City had \$52,652,720 invested at varying interest rates; the EDC had \$5,890,018 available.

Motion by Ms. Franklin, seconded by Mr. Tiner to approve the finance report for period ending March 31, 2022.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison. Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

G-2555 Accept Investment Report for period ending March 31, 2022

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on April 11, 2022, to review the report and ensure compliance with the City's investment policy.

Highlights

- The total portfolio for the City and EDC on March 31, 2022 is \$58,542,738, with 90% or \$52,652,720 belonging to the City, and 10% or \$5,890,018 to the EDC. The City's portion includes the \$22,000,000 in bond proceeds received in September 2021.
- 80.3% of the combined portfolio is in bank accounts, with 9.8% in local government investment pools, 8.6% in certificates of deposit, 0.9% in agency notes, and 0.4% in treasury notes.
- The weighted average maturity on the combined portfolio is 66 days with a .11% average yield to maturity. In comparison, the 90 day T-Bill benchmark rate is .31% due to a recent rise in interest rates.

The City enjoys good liquidity and is positioned to take advantage of rising rates.

Motion by Dr. Marshall, seconded by Mr. Phillips to accept the investment report for period ending March 31, 2022.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison. Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

G-2556 Adopt Ordinance amending Chapter 10.24 of the Benbrook Municipal Code by revising the speed limit to create a school zone on Vista Way

Bennett Howell gave the following report: The new Basis Charter School, located at 8901 Vista Way, is under construction and scheduled to open in August 2022. The school's charter provides for student enrollment of grades K-12, but first year enrollment will be limited to grades K-5. Subsequent years will add at least one grade per year to allow for continued enrollment of students. The maximum capacity of the school is 720 students.

In planning for its opening, school administrators requested establishment of a reduced speed limit school zone (20 miles per hour) along Vista Way in front of the new charter school between 260 feet north of Sproles Drive to 150 feet north of Sterling Drive.

To better accommodate the on-site queuing of vehicles during student drop-off and pick-up, the school will stagger start and dismissal times with the first class beginning at 7:40 a.m. and the last class beginning at 8:00 a.m. The first dismissal will be at 2:45 p.m. and the last dismissal will be at 3:45 p.m.

The school zone hours will be from 7:00 a.m. to 8:30 a.m. and from 2:30 p.m. to 4:30 p.m. on school days.

Basis Charter School will provide and install the signs after receiving City approval.

Motion by Ms. Mackey, seconded by Mr. Tiner to adopt Ordinance No. 1479 amending Chapter 10.24 of the Benbrook Municipal Code by revising the speed limit on Vista Way

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison. Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

Ordinance 1479 being **AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING CHAPTER 10.24-SPEED LIMITS, TITLE 10 – VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY REVISING SECTION 10.24.010 RELATING TO SCHOOL ZONES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

SECTION 4 PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

G-2557 Approve Resolution Establishing Administrative Regulation for Trespass Warning on City Property

Andy Wayman gave the following report: The proposed resolution establishes an administrative regulation (AR) regarding no trespass warnings for City of Benbrook property. Through the attached AR, the City recognizes its duty as a responsible steward of City assets. The City desires to provide the public and City staff with an environment free from unlawful and disruptive behavior and activities that interfere with City and public business and activities on City Property.

The AR establishes a process to issue trespass warnings for conduct that includes, but is not limited to:

- Park and other curfew violations
- Park rules violations
- Failure to pay required fees for Facility use

- Facility use violations
- Noise ordinance violations
- Interfering with another person's reasonable use and enjoyment of approved activities on City Property
- Any other City ordinance violation

An Immediate trespass warning may also be issued for conduct that is unreasonably disruptive or harmful to City Property, to conducting City business, or to another's reasonable use and enjoyment of approved activities on City Property, and that may:

- Be a state or federal criminal offense or ordinance violation or is an attempt, solicitation or conspiracy to commit a state or federal criminal offense or ordinance violation, including urinating or defecating in public
- Have resulted in injury to any person or damage to any property, or threatens to cause an immediate breach of the peace

The AR designates the City Manager, or designee, as the responsible authority. The AR also establishes an administrative review process to appeal trespass warnings. Finally, the AR recognizes the First Amendment rights of individual citizens.

Motion by Mr. Tiner, seconded by Mr. Addison to approve Resolution No.202-02 for Administrative Regulation for Trespass Warning on City Property

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison. Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

Resolution No. 2022-02 being **A RESOLUTION OF THE BENBROOK CITY COUNCIL ESTABLISHING AN ADMINISTRATIVE REGULATION FOR TRESPASS WARNING ON CITY PROPERTY**

VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Franklin announced the following events: VFW Garage Sale on April 23rd, YMCA Healthy Kids on April 30th, Benbrook Elementary Spring Fling on April 30th, and Benbrook Parks and Recreation Open House on April 27th at the Senior Center.

VIII. ADJOURNMENT

Meeting adjourned at 7:50 p.m.

APPROVED:

Jason Ward, Mayor

ATTEST:

Joanna King, City Secretary